

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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EUSTACIO ROBERTS,

Petitioner,

- against -

JAIME LAMANNA,

Respondent.  
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X

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: **MEMORANDUM DECISION**  
: **AND ORDER**

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: 19-CV-00880 (AMD) (LB)

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**ANN M. DONNELLY**, United States District Judge:

On February 12, 2019, the *pro se* petitioner, currently detained at the Green Haven Correctional Facility, brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (ECF No. 1.) I referred the petition to United States Magistrate Judge Lois Bloom. On August 31, 2020, Judge Bloom recommended that I deny the petition, withhold a certificate of appealability and certify pursuant to 28 U.S.C. § 1915(a) that any appeal from this judgment would not be taken in good faith. (ECF No. 11.) No objections have been filed to the Report and Recommendation, and the time for doing so has passed.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those portions of the report and recommendation to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” *Jarvis v. N. Am. Globex Fund L.P.*, 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks and citation omitted).

I have reviewed Judge Bloom's thoughtful and comprehensive Report and Recommendation and find no error. Accordingly, I adopt the Report and Recommendation in its entirety. The petition for a writ of habeas corpus is denied and the case is dismissed. A certificate of appealability will not be issued. *See* 28 U.S.C. § 2253(c). The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and *in forma pauperis* status is therefore denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

**SO ORDERED.**

s/Ann M. Donnelly  
ANN M. DONNELLY  
United States District Judge

Dated: Brooklyn, New York  
September 21, 2020